

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

---

***Vice Chair Oliver Rauschnot called the Public Hearing for Text Amendment to Allow Storage Units in R-1 with a 10 Acre Lot Minimum to order at 7:00pm.***

***Vice Chair Oliver Rauschnot closed the Public Hearing for Text Amendment to Allow Storage Units in R-1 with a 10 Acre Lot Minimum at 7:00pm.***

---

***Vice Chair Oliver Rauschnot called the Public Hearing IUP-23-004 – Ramberg Excavating Pit to order at 7:00pm.***

**OR:** “Anybody in the audience?”

**AR:** “Do you have something to say about...”

**JW:** “I just have some questions ... is this where I questions?”

**OR:** “Yeah”

**AR:** “Yeah”

**JW:** “Ok, so, Sorry Chris isn’t here. Um, we’re just wondering how long the excavating would be? Like, what are we talking a week, a month, a year or years? And what the noise impact would be on a recreational area, specifically at my house. Um, let’s see, traffic flow, the biggest thing is the noise. And then how does that fit into recreational actually, we’re in the recreational district right, so how does a mining pit fit into the recreational district?”

**OR:** “There’s...”

**AR:** “Well, you guys can answer, this is just public forum so you guys can answer all the questions during...”

**OR:** “Just so everybody is aware, I have to remove myself from chair when we discuss this one because it is an interest of my own. So speaking on behalf of Ramberg Excavating on this one, the property that we are talking about turning into... is 50 acres...”

**AR** “Ok we can talk about it next though:”

**OR** “Oh”

**AR** “You can’t discuss...”

**OR:** “Oh I can’t?”

**JF:** “You’ll have to sit over here then too.”

**OR:** “Oh I’m sorry”

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

***Laughter***

**JW:** “Just remove your hat and you can be the other guy now!”

**AR:** “If no one else has questions, you can just close it.”

**OR:** “I just, we will address those questions here in little bit if that’s ok?”

**JW:** “That’s ok”

**JF:** “Was that the complete list or did you have other questions?”

**JW:** “No I’m good”

**DS:** “Where do you live in relationship to the property?”

**AR:** “Adjoining”

**JW:** “We’re right next door, so the part of a property that was split.

**DW:** “So you’re on...”

**AR:** “Right here”

**SB:** “On the east side where the road cuts the corner”

**DS:** “Well you’re on that little corner property down there?”

**OR:** “Yep”

**DS** “Ok, I just wondering.

**OR:** We will address those ones, but I’ll close up here on that and we’ll discuss.

***Vice Chair Oliver Rauschnot closed the Public Hearing IUP-23-004 – Ramberg  
Excavating Pit at 7:02pm.***

---

***Vice Chair Oliver Rauschnot called the Planning Commission Meeting to order at  
7:02PM.***

**Members present:**

Oliver Rauschnot, Dillon Barton, Dan Saumer, Josh Froelich, Stefon Boleen, Donnie Petermann III

**Members Absent:**

Curt Kubesh

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

**Others present:**

Ashley Rauschnot, Don Burger, Cary & Penney Johnson, Dan Rydberg, Josanne Wiorek

**Pledge of Allegiance**

**Public Forum**

*Stefon Boleen motioned seconded by Dillon Barton to approve the November 20, 2023 minutes as sent. Motion passed with all ayes.*

**New Business**

**Text Amendment to Allow Storage Units in R-1 with a 10 Acre Lot Minimum**

Members all agree that they have discussed all of the options as to wear to allow the storage units in the past few meetings. They all agreed that this is the best option as to not allow storage units to pop up all over the City in Ag and to also not be having storage units in most developments.

*Stefon Boleen motioned seconded by Josh Froelich to recommend to Council for approval the Text Amendment to Allow Storage Units in R-1 with a 10 Acre Lot Minimum. Motion passed with all ayes.*

**CUP-23-005 Dan Rydberg Storage Units**

*Dillon Barton motioned seconded by Donnie Petermann III to recommend to Council for approval CUP-23-005 Storage Units for Dan Rydberg with the following Conditions:*

1. Provide proof of insurance on an annual basis.
2. Follow all City Ordinance's for setbacks.
3. All signs must comply with City Ordinance 1000.23 Subd. 8-2.
  - Permitted uses which are not residential may have one sign which shall not exceed sixty-four (64) square feet in area per surface.
    - Size. The size shall be proportional to the size of the facility, need for signage, frontage on street, location, visibility, and development in the area. The maximum size per street frontage shall not exceed sixty-four (64) square feet per sign surface with a maximum area of one hundred and twenty-eight (128) square feet per property.
    - Height. No freestanding sign shall exceed fifteen (15) feet in height.
    - Lighting.
      1. Lighting shall be indirect or it shall be backlighting.

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

2. Exterior exposed neon lighting, flashing illuminated, and/or rotating illuminated signs shall be prohibited.
  - Design. Signs attached to the building shall be integrated with the building design and architecture in terms of materials, colors, lighting and placement; signs not attached to the buildings shall be architecturally treated and coordinated with the principal building by use of compatible materials and design.
  - Location. No freestanding sign shall be located less than ten (10) feet from any street right-of-way line.
4. Security
  - Security gate will be installed.
  - All cameras shall not face the road or neighboring properties.
5. Drainage
  - A professional site plan must be submitted to show proper drainage for the property.
6. Lighting
  - All security lighting will comply with City Zoning Ordinance and not impede in any way on residential neighbors.
7. The maximum property coverage of the storage buildings and pavement is 50 percent.
8. Tree coverage must remain on perimeter of property for aesthetic purposes.
9. Facility layout, design, and exterior building materials and treatment for all structures including, but not limited to, fences, walls, gates, buildings, and landscaping shall be of high quality and be aesthetically pleasing when viewed from adjacent properties and the public right-of-way.
10. At least forty feet of clear, unobstructed driveway depth will be provided from the road to the primary access gate or principal entry point of the facility.
11. All conditions of this permit are subject to annual review. Conditions will be enforced by City Staff or Council. Should the conditions not be met the Conditional Use Permit will be terminated.
12. If the Business is discontinued for at least one year, the Conditional Use Permit will be terminated.
13. It is the applicant's responsibility to notify the City if the business is discontinued or if there is a transfer of property of ownership.

*Motion passed with all ayes.*

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

**Cary Johnson**

Cary and Penney Johnson received a citation letter in the mail regarding bringing their Short-Term Rental into new City Ordinance by December 31, 2023. They requested to be put on the agenda to dispute this matter.

Cary and Penney stated that they should be exempt because of wording in the ordinance that states “Owner occupied dwellings that are also short-term rentals do not require an Interim Use Permit.”

Cary said that he rents out his shed at his home property and that this is considered “owner occupied” because he’s out there every day.

Members disagreed stating that a shed is not a dwelling. Cary asked if he sleeps in the shed, could it be a dwelling. Members informed him that if he’s sleeping in the building, then it becomes a second dwelling on a property, which is also not allowed per City Ordinance.

Cary thinks the ordinance is too much work for what he is doing but did say that the property is rented out weekly right now. He also stated that he doesn’t like this much government involvement with his property.

After a brief discussion with redundant questions and answers, the Planning Commission sticks with the fact that he is running a Short Term Rental and getting paid for it, therefore, he needs to comply with the Ordinance or discontinue the Short Term Rental.

***Vice Chair, Oliver Rauschnot recused himself for the following discussion. Stefon Boleen motioned seconded by Donnie Peterman III to temporarily appoint Josh Froelich as Vice Chair for the following discussion on IUP-23-004. Motion passed with all ayes.***

**IUP-23-004 Ramberg Excavating Pit**

Kenny and Oliver Rauschnot are present to discuss the plan to operate a gravel pit out of a piece of property (15 acres) that is located on the minimum maintenance road on 540<sup>th</sup> St. They addressed Josanne Wiorek’s concerns about noise and said that once the logging is done, the noise will be very minimal. They said they will access the gravel pit off of the minimum maintenance road and do not plan to drive

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

towards River Road as that is a posted road. They mentioned that there are at least 4 other pits all within a mile of this area and that these are the only pits that are currently located in Rock Creek. They have a goal when they are done with the property to clean it up and turn it around to sell it as a cabin property. The wash plants they plan to use will not be used year-round. It will be something that will be a little louder when those are in use and then it will just be hauling the material out of there after that. The main concern from Josanne Wiorek was the logging noise now and Planning Commission members told her that logging is one of the noisiest things to do and that the wash plants will not be anywhere near that loud. When asked if Josanne can hear the pit that is to the Northeast of her property, she replied that no she could not. Kenny did the mapping and said that they are about the same distance from her as that pit. After going over all of the conditions that Ramberg Excavating brought in, the following decision was made.

***Dillon Barton motioned seconded by Dan Saumer to recommend to the City Council approval of Interim Use Permit IUP-23-004 on parcel #R43.0203.001, allowing Ramberg excavating to operate a gravel pit with the following conditions:***

1. The total area to be mined within the fifty (50) acres shall never exceed the total minable area and must stay at least twenty (20) feet from any boundary line/property line on unsurveyed property and ten (10) feet on surveyed property.
2. Applicant shall provide the City with a restoration plan, or plans annually, for the restoration of each area mined.
3. Applicant shall restore all banks and cuts 3:1 or flatter slopes. This shall be done on any areas where mining is completed on an annual basis. The top of slope shall be setback from property lines and roads according to City setback requirements for outbuildings (75 feet from the center line of the road and 20 feet from property lines). These slopes are to be seeded as soon as reasonable after sloping and mulched if necessary to prevent erosion.
4. Applicant agrees to use erosion control practices as required to prevent erosion. Pine County Soil and Water office guidelines are to be used in cases of disagreement.
5. Applicant shall submit Certificate of Liability Insurance on an annual basis to the City and hold the City of Rock Creek harmless of any liability it could incur by issuing this permit.

**ROCK CREEK PLANNING COMMISSION**  
**UNAPPROVED MINUTES**  
**December 18, 2023**

6. Applicant shall provide the City with a \$1,500.00 Cashier's check in the City's name based on a one (1) acre pit at a cost of \$1,500.00 per acre assuring compliance with the conditions of this permit.
7. Applicant agrees to limit the number of openings at the pit to three (3) and the depth to twenty (20) feet.
8. Applicant agrees to meet and comply with all MPCA regulations regarding noise and its abatement.
9. Applicant agrees to meet all MPCA regulations and other applicable laws, and the regulations regarding drainage and runoff on the 50-acre parcel, providing the City with copies of all documents and plans submitted to the MPCA addressing drainage and runoff if any.
10. Applicant agrees to provide effective dust control (water only) on all dirt streets used for the transportation of any products removed from the parcel, whether by applicant or another person or entity.
11. Trucking (the transportation of the product from the parcel shall be permitted only from 7:00AM to 7:00PM on weekdays (Monday to Friday, except holidays).
12. Applicant shall be allowed to haul 7:00 AM to noon on Saturdays.
13. The primary route for trucks entering or leaving the pit shall be via 540<sup>th</sup> St.
14. Applicant shall not cause or permit the storage of any fuels, gas, oil or other liquid or solid that could contaminate the environment upon the parcel, except a portable tank used to fuel on site equipment during the crushing operation.
15. Applicant shall not allow any hot mix, asphalt, or concrete plants to be used on the premises.
16. All conditions of this permit are subject to annual review. It is up to City Staff or the Council to enforce them. Should they not all be met, the Interim Use Permit will be revoked.
17. On or before March 31, 2026, it is the applicant(s) responsibility to submit to the City a Letter of Intent (continued use of this permit or termination of this permit) if continued use, letter must include a request for a five (5) year extension of this permit. Failure to do so will result in this Interim Use Permit becoming null and void.

**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

18. Applicant agrees to submit to the City a copy of all required State and Federal licenses and permits.

*Motion passed with all ayes.*

*Temporary Vice Chair, Josh Froelich turned the meeting back over to Vice Chair, Oliver Rauschnot.*

**Selling Hunting Blinds Out of Home in Ag - Questions**

A gentleman had emailed the office asking about selling blinds out of his home in Rock Creek. He said that he would only have 1 or 2 on display, but that he would have at least 50 stored in boxes in his shed. After a brief discussion, planning commission members agreed that he will need to come in and apply for a CUP/IUP.

**Old Business**

**Campgrounds**

Planning Commission members liked the ordinance example that Josh Froelich had brought in months ago. They like the fact that it has a lot of good rules and that it makes it so that people are either all in or they are not. If we are going to have a campground in Rock Creek we want it to be the BEST campground. They would like it to add something to the community if it's going to be here. They agreed they don't want somebody coming in and doing the bare minimum and putting a loop road on 20 acres and plopping a bunch of campers in a field. Campgrounds can take away from a community if it's done wrong, but can also add a lot to a community if it's done right. Will regroup next month when Curt is back to finalize an ordinance to send to Council for Approval.

**Earnest Money**

Dan Saumer came up with a definition. Donnie Petermann III said that he likes that it makes people take things seriously. Will prevent people from coming in and kicking the tires on big grand ideas and wasting planning commission members time. Earnest money must be accompanied by a site plan and what the overall plan is so that there is a set direction to follow. Questions for next time to think about. What will we charge and what would we charge it for? Minor Subdivision? IUP/CUP? Different amounts for different things? Or same amount across the board? What will it be used for (i.e. administrative time, legal consultation with John Anderson)?

**City Council Notes**

Dan Saumer mentioned the THC ordinance again. We will need to get something written up in the next couple of months to show Council we are working on it.



**ROCK CREEK PLANNING COMMISSION  
UNAPPROVED MINUTES  
December 18, 2023**

***Stefon Boleen motioned seconded by Donnie Petermann III to adjourn at 8:52 PM.  
Motion passes with all ayes.***

Ashley Rauschnot  
Deputy Clerk